

**Applicants' Traversal:**

35 U.S.C. §102(b) and 35 U.S.C. §103(a) in view of Kuniyoshi:

It is respectfully submitted that none of the instant claims are anticipated by Kuniyoshi. Kuniyoshi discloses a system for positioning a pattern on a semi-conductor wafer using one of a selected monochromatic lights out of plurality of different color depending on the relationship of the size of the wafer versus size of the pattern by a particular color (e.g. in the roygbiv spectrum of visible light, red having the largest wavelength and violet having the smallest wavelength). Kuniyoshi teaches a system whereby different monochromatic colors can be magnified so as to be projected onto the wafer.

Kuniyoshi discloses that the wafer can be moved vertically depending on the wavelength used so that "the pattern on the wafer is imaged on the reticle irrespective of the wavelength used" (Kuniyoshi, column 4, lines 52-55).

Applicants respectfully note that Kuniyoshi fails to disclose or suggest "a deviation direction and a deviation amount based on a positional relationship between an image of said light beam shifted on the surface of said workpiece and a predetermined reference image."

**In contrast with the presently claimed invention, Kuniyoshi corrects color aberration reflected off the wafer by moving the wafer until the projected color is within a certain predefined range (please see column 5, lines 3-21). Applicants respectfully submit that correction of color aberration disclosed by Kuniyoshi is distinguishable from "a deviation direction and a deviation amount based on a positional relationship between an image of said light beam shifted on the surface of**

said workpiece and a predetermined reference image.” The deviation direction and amount based on a positional image in the presently claimed invention is far more accurate than a color aberration scheme; nor would a person of ordinary skill in the art have gleaned the teachings of the present claims based on the color aberration scheme taught by Kuniyoshi. For example, a person of ordinary skill in the art with knowledge of Kuniyoshi would not have found it obvious to detect a lateral shift of the detected light beam on the surface of the workpiece and converting the detected lateral shift to a corresponding vertical distance using trigonometry. A lateral shift of the workpiece in Kuniyoshi would not necessarily effect the color aberration. Thus, the teaching of the instant claims are clearly not supported by a color aberration scheme that either moves the light, the reduction lens, or the workpiece to receive an image so that the color matches. Reconsideration and withdrawal of this ground of rejection are respectfully requested.

**35 U.S.C. §103(a) in view of Kuniyoshi and Yoshii:**

Applicants respectfully stand on the patentability of the base claims, and the dependency of claims 6 and 15 therefrom as a cause for their allowance. Applicants do respectfully submit that these claims have an independent basis for patentability as well. Yoshii, in combination with Kuniyoshi, fails to provide the elements missing in Kuniyoshi. Thus the combination fails to disclose, suggest, or motivate an artisan to modify the teachings of the combination such that either of claims 6 and 15 would be obvious to the artisan. Reconsideration and withdrawal of this ground of rejection are respectfully requested.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

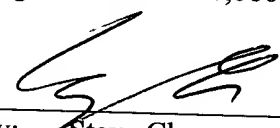
Should the Examiner deem that there are any issues which may be best resolved by telephone, please contact Applicants' attorney at the telephone number listed herein below.

Respectfully submitted,

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Date:

11/19/02

  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Michael JOFFEE  
SERIAL NO.: 09/874,420 EXAMINER: Stephen K. YAM  
FILED: June 5, 2001 ART UNIT: 2878  
FOR: SAMPLE POSITIONING METHOD FOR SURFACE OPTICAL  
DIAGNOSTICS USING VIDEO IMAGING

**VERSION WITH MARKINGS**

Assistant Commissioner for Patents  
Box AF  
Washington, DC 20231

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Dear Sir:

In response to the Final Office Action mailed October 3, 2002, please amend the above-identified application as follows:

**IN THE CLAIMS:**

1. (Twice Amended) A positioning system for use in adjusting the position of a workpiece, comprising:

a light source for directing a light beam onto the top surface of said workpiece;

and

a detector coupled to said light [transmitter] source for detecting [an image of said] the light beam received by said workpiece, and for processing a deviation direction and a deviation amount based on [the] a positional relationship between an image of said light beam shifted on the surface of said workpiece and a predetermined reference image.